



*Larry Hogan, Governor*  
*Boyd K. Rutherford, Lt. Governor*  
*Jeannie Haddaway-Riccio, Secretary*  
*Allan Fisher, Deputy Secretary*

**Bill Number:** HB 593

**Short Title:** Maryland Department of Natural Resources – Oyster Shell Dredging – Permit Application

**Department's Position:** Letter of Information

**Explanation of Department's Position**

The Maryland Department of Natural Resources (DNR) provides the following information on HB 593.

The bill requires DNR to apply to the U.S. Army Corps of Engineers (USACE) for permits to dredge for buried oyster shell on certain oyster bars. That shell would then be moved to locations identified by county oyster committees and the Oyster Recovery Partnership's Board of Directors.

DNR notes that the application process for a permit from the USACE is lengthy and would not be completed by July 1, 2022 as required by the legislation. DNR would also need to secure a State Wetlands Permit from the Maryland Department of the Environment and get it approved by the Board of Public Works. Additionally, the legislation includes a site in the Potomac River, which would require coordination with the Potomac River Fisheries Commission (PRFC).

In the department's experience, shell dredging applications must thoroughly cover many complex topics and provide specific data, which may have to be collected for months or years prior to submitting an application. The USACE will request estimates of available shell buried in the sites, which will require core samples to be taken. We estimate that the core samples process would take approximately 2 years. In addition, an analysis of alternate shell sources or non-shell materials is needed to explain how oysters might be restored without shell dredging. Environmental impacts are also required to be discussed as part of the application which may include a formal Essential Fish Habitat review, siltation impacts, and water quality studies. Cultural impacts on the proposed dredging sites must also be assessed relative to historic shipwrecks and military unexploded ordinances. Extensive outreach and coordination with stakeholder groups is also required before the submission of the application.

DNR acknowledges that access to shell and substrate is important to the state's ability to continue its work in restoring oysters to the Chesapeake Bay; however when choosing locations for alternative shell, consideration should be given to a number of environmental factors

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including spawning areas. Additionally, the Oyster Advisory Commission, in its final report, recommended that DNR “evaluate and develop cost effective strategies for identifying and obtaining sources of shell and substrate” and that DNR “support a Maryland-wide substrate action subcommittee of the OAC to evaluate strategies, costs, and benefits for substrate enhancement.” DNR has committed to, and is in the process of, implementing both recommendations.

For any additional information, please contact our Legislative and Constituent Services Director, Bunky Luffman